

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

HECTOR ROOS,

Petitioner,

Case No.: 2022-CA-1792

v.

**RON DESANTIS, in his Official Capacity
as Governor of Florida,**

Respondent.

**ORDER DISMISSING THE PETITION FOR WRIT OF MANDAMUS
AND ORDER TO SHOW CAUSE**

THIS CAUSE is before this Court on Petitioner's Amended Emergency Petition for Writ of Quo Warranto and Writ of Mandamus, transferred to this Court by the Supreme Court of Florida on October 10, 2022. After review, this Court finds as follows.

To plead a prima facie case for a writ of mandamus, a petitioner must establish a clear legal right to performance of the act requested, an indisputable legal duty by the public officer to perform the act, and no adequate remedy at law. See Hatten v. State, 561 So. 2d 562, 563 (Fla. 1990); King v. Florida Parole Comm'n., 614 So. 2d 1183 (Fla. 1st DCA 1993); Holcomb v. Dept. of Corrections, 609 So. 2d 751 (Fla. 1st DCA 1992). Here, Petitioner has failed to show that he has a clear legal right to performance of the act requested. Therefore, Petitioner fails to state a claim, and insofar as his complaint seeks a writ of mandamus, it is hereby **DENIED**.

However, this Court finds that Petitioner has stated a prima facie case for a writ of quo warranto. Therefore, it is **ORDERED** and **ADJUDGED** that Respondent shall, within **FORTY (40)** calendar days of the date of service of the complaint and this order, show cause why the writ of quo warranto should not be granted. Petitioner shall serve a copy of the complaint and this

order upon Respondent. Petitioner shall have **THIRTY (30)** calendar days from the date of Respondent's Response to file his Reply. Requests for extensions of time to file a Response or Reply will not be granted unless good cause is demonstrated to the satisfaction of this Court.

DONE and **ORDERED** on Friday, October 14, 2022.

2022-CA-001792 10/14/2022 10:06:24 AM

Lee Marsh, Circuit Judge
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Copies furnished to:

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